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14
15 UNITED STATES DISTRICT COURT
16 CENTRAL DISTRICT OF CALIFORNIA
17
18 WESTERN DIVISION

19 FRED STEINER; WILLIAM) No. CV 00-5798 FMC (AIJx)
20 GOLDSTEIN; NATHAN EAST, doing) Hon. Florence-Marie Cooper
21 business as NEW EAST MUSIC;)
22 EUGENE A. BOOKER, JR., also) **CLASS ACTION**
23 known as CHUCKII BOOKER, doing)
24 business as ALLENASONGS; all)
25 individuals, and on behalf of all those)
26 similarly situated,)
27 Plaintiffs,)
28 v.)
29 ABC, INC.; AMERICAN)
30 BROADCASTING COMPANIES,) Date: January 5, 2009
31 INC.; WORLDVISION) Time: 10:00 a.m.
32 ENTERPRISES, INC.; IMAGE EDIT,) Courtroom: 750 Roybal Building
33 INC.; SPELLING SATELLITE)
34 NETWORKS, INC.; VIDEO)
35 SERVICES CORPORATION; AUDIO)
36 PLUS VIDEO INTERNATIONAL,)
37 INC.; and DOES ONE through TEN,)
38 inclusive,)
39 Defendants.)

1 MEMORANDUM OF POINTS AND AUTHORITIES

2 The claims administrator for this action, Gilardi & Co. LLC ("Gilardi") has
3 completed all necessary steps to pay all valid claims filed in this action. See
4 Declaration of Jeffrey L. Graubart ("Graubart Decl."), filed concurrently herewith, Exh.
5 A (Declaration of Bruce H. Cozzi, Gilardi's Fund Controller ("Cozzi Decl.").) Gilardi
6 has determined that there is \$277,075.54 remaining in the settlement fund and available
7 for *cy pres* distribution. See id.

8 The terms of the settlement in this case, including the January 28, 2005 Order
9 granting final approval of settlement and the Stipulation of Settlement preliminarily
10 approved by the Court by its Order dated February 24, 2003, authorize, subject to Court
11 approval, distribution of any residual funds to an appropriate non-profit
12 organization(s). To that end, Class Counsel, on behalf of the class, suggest distribution
13 of the residual money (plus any proportionate interest earned through the date of
14 distribution) to the following non-profit [tax exempt 503(c)(3) or 501(c)(6)]
15 organizations:

16	<u>NAME</u>	<u>AMOUNT</u>
17	ASCAP Foundation ¹	\$ 75,000.00
18	BMI Foundation, Inc. ²	75,000.00
19	Los Angeles Philharmonic Association ³	25,000.00
20	The Colburn School ⁴	25,000.00
21	Merit School of Music	25,000.00
22	Society of Composers and Lyricists	17,500.00

23

24 ¹ In honor of ASCAP members and plaintiffs Nathan East and Fred Steiner.

25 ² In honor of BMI affiliates and plaintiffs William Goldstein and Eugene "Chuckii" Booker.

26 ³ To be designated for use by Youth Orchestra LA.

27 ⁴ To be designated for use by Conservatory of Music and/or music program of School of
28 Performing Arts.

1	NOW Ensemble	17,500.00
2	Film Music Society	<u>17,075.54</u>
3	TOTAL	<u>\$ 277,075.54</u>

4 Further information with respect to each of the foregoing organizations are set
5 forth in the Declaration of Jeffrey L. Graubart (Exhibits "B" through "I"), filed
6 concurrently herewith.

By 
Maxwell M. Blecher